



PATENT
514412-2025.1

AF

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : M. DeBeuckeleer
Serial No. : 09/758,987
Filed : January 11, 2001
For : METHODS AND KITS FOR IDENTIFYING ELITE
EVENT GAT-ZM1 IN BIOLOGICAL SAMPLES
Examiner : J. Souaya Sitton
Group Art Unit : 1634

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745 Fifth Avenue
New York, New York 10151

EXPEDITED PROCEDURE
RESPONSE AFTER FINAL OFFICE ACTION
UNDER 37 C.F.R. 1.116

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: **Mail Stop AF Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450**, on the date shown below.

Marilyn Matthes Brogan, Reg. No. 31,223

Name of Applicant, Assignee or Registered Representative

Signature

January 26, 2005

Date of Signature

TERMINAL DISCLAIMER

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This filed with an Amendment After Final Office Action under 37 C.F.R. 1.116.

I, Marilyn Matthes Brogan, declare that I am an attorney of record and that I am authorized to execute terminal disclaimers on behalf of Aventis CropScience N.V. ("Aventis"), the assignee of the above-captioned application ("the present application") and of U.S. Patent No. 6,395,485 ("the '485 patent"), now Bayer CropScience GmbH ("Bayer");

02/01/2005 HDEMSS1 00000041 500320 09758987

01 FC:1814 130.00 DA

That Aventis is the assignee of the entire right, title and interest in, to and under the present application, U.S. application Serial No. 09/758,987, as a continuation of U.S. application Serial No. 09/481,049, filed on January 11, 2000, now U.S. Patent No. 6,395,485, by virtue of the assignment from the inventors to Aventis, recorded at the U.S. Patent and Trademark Office on May 9, 2000, and set out at Reel 010778 and Frame 0739;

That Aventis underwent a Change of Name to Bayer CropScience N.V. (copy of documents attached);

That Bayer has a place of business at Technologiepark 38, B-9052, Gent, Belgium;

That Bayer hereby disclaims the terminal part of any patent granted on the present application which would extend beyond the expiration date of the full statutory term of the '485 patent;

That Bayer hereby agrees that any patent so granted on the present application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to the '485 patent, this agreement to run with any patent granted on the present application and to be binding upon the grantee, its successors or assigns;

That no terminal part of any patent granted on the present application is disclaimed prior to the full statutory term of the '485 patent, in the event that the '485 patent earlier expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or is terminally disclaimed under 37 C.F.R. §1.321(a), has all claims cancelled by a reexamination certificate, or is otherwise terminated prior to expiration of its full statutory term, except for the separation of legal title stated above;

In accordance with 37 C.F.R. § 3.73(b), the undersigned attorney of record, empowered to sign this Statement on behalf of the assignee, states that Aventis, is the assignee of the entire right, title and interest in the patent and patent application identified above (the '485 patent and the present application) by virtue of the assignment identified above, and that Aventis is now Bayer;

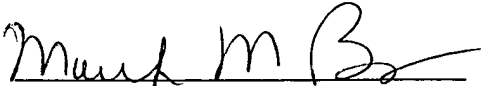
And thus, that the undersigned has reviewed documents in the chain of title of the patent and patent application identified above and, to the best of the undersigned's knowledge and belief, title is in the assignee identified above.

Entry and recordation of this Terminal Disclaimer are requested. Any fee can be charged to Deposit Account No. 50-0320.

It is also noted that this paper is being provided merely to expedite prosecution and is presented without admission, without prejudice, without surrender of subject matter, without any intention of creating any estoppel as to equivalents.

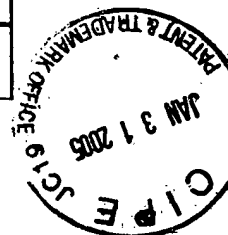
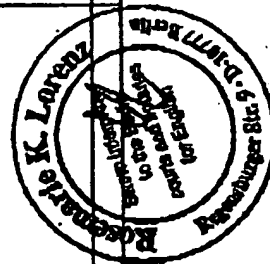
Respectfully submitted,

FROMMER LAWRENCE & HAUG LLP
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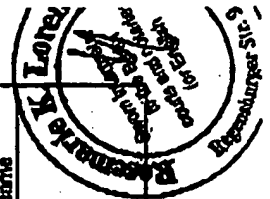
☒ led Translation from the German Language

Amtsgericht Frankfurt am Main										Certified photocopy			thousands	hundreds	ten	24680	HR B 49796	Page 1
entry	a) Company name b) Registered office c) Nature of the business	Capital stock or Nominal capital DM	Executive board General partners Managing directors Liquidator	Signatory power "Prokura"	5	6	7	a) Day of entry and signature b) Notes										
1	2	3	4	5	6	7												
1	a) Avenis CropScience GmbH b) Frankfurt am Main c) The development, manufacture and sale of products for agricultural requirements, in particular pesticides, fertilizers, seeds, and of products for household protection. This also includes research in the above-stated areas, including biotechnical and genetic engineering research, and also plant breeding, landscape care and agricultural services.	DM 500.000.000	Peter Henkel born 09 Sept. 1942, Berlin	Signatory power held jointly with a manager or another authorized signatory: 1.) David Richter , born 09 March 1944, Berlin; 2.) Dr. Elke Simon born 06 Sept. 1961, Frankfurt am Main; 3.) Burghard Seidig , born 08 December 1949, Berlin; 4.) Jürgen Ulbrich , born 24 September 1957, Berlin; Signatory power held jointly with a managing director or another authorized signatory and authority to sell real estate: 5.) Dr. Günther Falcke , born 07 April 1940, Königstein	Company with limited liability. The agreement among shareholders was concluded on 16 February 1990. It has been amended several times, most recently on 30 December 1999. By resolution of the shareholders' meeting of 30 December 1999, the registered office has been moved from Berlin to Frankfurt am Main and § 1 (2) (Registered Office) has been amended. The manager Peter Henkel represents the company jointly with another managing director or jointly with an authorized signatory. As long as he is the sole managing director, he represents the company alone.	a) 30 June 2000 [SIGNATURE] (Schiemann) b) Agreement among shareholders p. 13 et seq. Special volume Formerly local court Amtsgericht Berlin-Charlottenburg HRB 31850												
2	Specific attention is drawn to the fact that the underlined parts of the entry in the following photocopy have been cancelled in conjunction with the notes of amendment and cancellation			The correct name of the authorized signatory (1) David Richter is: 1.) David Richter			a) 11 July 2000 [SIGNATURE] Happel b) Corrected ex officio											
3				The correct date of birth of the authorized signatory 2) Dr. Elke Simon is: 09 June 1961.			a) 18 July 2000 [SIGNATURE] (Lohmes) b) Corrected ex officio											
4				Signatory power held jointly with a managing director or another authorized signatory 6.) Steffen Günther , born 21 July 1961, Griesenbroich			a) 6 December 2000 [SIGNATURE] (Lohmes) b) Corrected ex officio											
								Continued previous f										



and Translation from the German Language

Local Court Amtsgericht Frankfurt am Main				Revers of page 1		HR B 49796	
-dry	Company name		Capital stock		Signatory Power "Prokura"	Legal constitution	a) Day of entry and signature b) Notes
	a) Registered office b) Nature of the business	c) Nature of the business	Capital stock or Nominal capital DM	Executive board General partners Managing directors Liquidator			
1	2		3	4	5	6	7
5				Dr. Volker Sjut, born on 18 July 1949, Berlin		Dr. Volker Sjut has been appointed as a managing director. He represents the company jointly with another managing director or jointly with an authorized signatory. Whereas he is the sole managing director, he represents the company alone. Peter Hembel is no longer a managing director.	a) 31 July 2001 [SIGNATURE] (Hartmann)
6				Amendment of personal details: Previously: Dr. Volker Sjut, born on 18 July 1949, Berlin; Now: Dr. Volker Sjut, born 18 July 1949, Berlin			a) 9 August 2001 [SIGNATURE] (Hartmann) b) Corrected ex officio.
7					The signatory powers (1.) David Richter and (2.) Bernhard Seiditz have expired.		a) 6 December 2001 [SIGNATURE] (Bussan)
8			EUR 255,651,100			By resolution of the shareholders' meeting of 19 October 2001, the nominal capital has been converted to EUR 255,651,053.52, then raised by increasing the participation by EUR 46.48 to EUR 255,651,100 and § 3 (Nominal Capital) of the agreement among shareholders has been amended.	a) 11 February 2002 [SIGNATURE] (Kaiser) b) Page 50 et seq. Special volume
9	a) Bayer CropScience GmbH					By resolution of the shareholders' meeting of 05 June 2002, § 1 (Company Name) of the agreement among shareholders has been amended.	a) 19 June 2002 [SIGNATURE] (Kaiser) b) Page 71 et seq. Special volume
					[ROUND RUBBER STAMP] Local Court Amtsgericht Frankfurt am Main	It is certified that the entries hereunder correspond to the entries in the commercial register. Frankfurt am Main, 2 July 2002 [SIGNATURE] as registrar of the court registry	



Certified Translation from the German Language

Certification

I hereby certify that the translation on the preceding two pages to the best of my knowledge and belief is a true and complete translation from the German language of the document attached hereto.

Berlin, 18 November 2002



A handwritten signature in black ink, appearing to be 'R. K. Lorenz', written over a horizontal line.

Rosemarie K. Lorenz
Certified Translator/Sworn Interpreter
to the Berlin Courts and Notaries
for the English Language

a) Firma b) Sitz c) Gegenstand des Unternehmens	Grund- oder Stammkapital	Vorstand Präsident Geschäftsführer Abteilungsleiter	Prokura	Nachtragswissen	4) Tag der Erbringung und Unterschrift 5) Bemerkungen
<p>a) <u>Arztia Gesellschaft mbH</u></p> <p>b) <u>Frankfurt am Main</u></p> <p>c) <u>die Entwicklung, Herstellung und der Vertrieb von Erzeugnissen für den Bedarf der Landwirtschaft, insbesondere Pflanzenschutzmitteln, Düngemitteln, Saatgut, und von Erzeugnissen für den Haushalt.</u></p> <p>d) <u>Zweck der Gesellschaft ist die Förderung der vorerwähnten Bereiche einschließlich der biologischen, chemischen, physikalischen, geologischen, geographischen, landwirtschaftlichen und Dienstleistungen für die Landwirtschaft.</u></p>	<p><u>300.000,- DM</u></p>	<p><u>Peter Reibel,</u> <u>geb. 11.07.1942,</u> <u>Berlin</u></p>	<p>Prokura gemeinsam mit einem Geschäftsführer oder einem anderen Prokuristen:</p> <p>1.) <u>David Richter, geb. 02.02.1944,</u> <u>Berlin</u></p> <p>2.) <u>Dr. Eike Simon, geb. 06.07.1951,</u> <u>Frankfurt am Main</u></p> <p>3.) <u>Stefan Götter, geb. 09.12.1949,</u> <u>Berlin</u></p> <p>4.) <u>Jürgen Ulrich, geb. 24.07.1937,</u> <u>Berlin</u></p> <p>Prokura gemeinsam mit einem Geschäftsführer oder einem anderen Prokuristen und Notar, Grundstücks- und Verwaltungen:</p> <p>5.) <u>Dr. Walter Felke, geb. 07.04.1940, Köln</u></p>	<p>Gesellschaft mit beschränkter Haftung.</p> <p>Der Gesellschaftsvertrag ist am 16. Februar 1990 abgeschlossen.</p> <p>Er ist mehrfach, zuletzt am 30. Dezember 1999 geändert.</p> <p>Durch Beschluss der Gesellschafterversammlung vom 30. Dezember 1999 ist der Sitz von Berlin nach Frankfurt am Main verlegt und der Gesellschaftsvertrag in § 1 Ziff. 2 (Sitz) geändert.</p> <p>Der Geschäftsführer Peter Richter vertritt gemeinsam mit einem anderen Geschäftsführer oder gemeinsam mit einem Prokuristen.</p> <p>Einzelne oder alleiniger Geschäftsführer ist. vertritt er allein.</p>	<p>a) 13.6.2000</p> <p>b) 13.7.2000</p> <p>c) 13.7.2000</p> <p>d) 13.7.2000</p> <p>e) 13.7.2000</p> <p>f) 13.7.2000</p> <p>g) 13.7.2000</p> <p>h) 13.7.2000</p> <p>i) 13.7.2000</p> <p>j) 13.7.2000</p> <p>k) 13.7.2000</p> <p>l) 13.7.2000</p> <p>m) 13.7.2000</p> <p>n) 13.7.2000</p> <p>o) 13.7.2000</p> <p>p) 13.7.2000</p> <p>q) 13.7.2000</p> <p>r) 13.7.2000</p> <p>s) 13.7.2000</p> <p>t) 13.7.2000</p> <p>u) 13.7.2000</p> <p>v) 13.7.2000</p> <p>w) 13.7.2000</p> <p>x) 13.7.2000</p> <p>y) 13.7.2000</p> <p>z) 13.7.2000</p>
<p>Es wird ausdrücklich darauf hingewiesen, dass die unterzeichneten Personen nicht für die Unterzeichnung der Urkunde in Vertretung der Gesellschaft und auch nicht für die Unterzeichnung der Urkunde in Vertretung der Gesellschaft haftbar sind.</p>			<p>Der Name des Prokuristen (1) David Richter ist richtig.</p> <p>2.) David Richter</p>		<p>a) 13.7.2000</p> <p>b) 13.7.2000</p> <p>c) 13.7.2000</p> <p>d) 13.7.2000</p> <p>e) 13.7.2000</p> <p>f) 13.7.2000</p> <p>g) 13.7.2000</p> <p>h) 13.7.2000</p> <p>i) 13.7.2000</p> <p>j) 13.7.2000</p> <p>k) 13.7.2000</p> <p>l) 13.7.2000</p> <p>m) 13.7.2000</p> <p>n) 13.7.2000</p> <p>o) 13.7.2000</p> <p>p) 13.7.2000</p> <p>q) 13.7.2000</p> <p>r) 13.7.2000</p> <p>s) 13.7.2000</p> <p>t) 13.7.2000</p> <p>u) 13.7.2000</p> <p>v) 13.7.2000</p> <p>w) 13.7.2000</p> <p>x) 13.7.2000</p> <p>y) 13.7.2000</p> <p>z) 13.7.2000</p>
			<p>Das Geburtsdatum der Prokuristin 2) Dr. Eike Simon lautet richtig: 06.07.1951.</p>		<p>a) 13.7.2000</p> <p>b) 13.7.2000</p> <p>c) 13.7.2000</p> <p>d) 13.7.2000</p> <p>e) 13.7.2000</p> <p>f) 13.7.2000</p> <p>g) 13.7.2000</p> <p>h) 13.7.2000</p> <p>i) 13.7.2000</p> <p>j) 13.7.2000</p> <p>k) 13.7.2000</p> <p>l) 13.7.2000</p> <p>m) 13.7.2000</p> <p>n) 13.7.2000</p> <p>o) 13.7.2000</p> <p>p) 13.7.2000</p> <p>q) 13.7.2000</p> <p>r) 13.7.2000</p> <p>s) 13.7.2000</p> <p>t) 13.7.2000</p> <p>u) 13.7.2000</p> <p>v) 13.7.2000</p> <p>w) 13.7.2000</p> <p>x) 13.7.2000</p> <p>y) 13.7.2000</p> <p>z) 13.7.2000</p>
			<p>Prokura gemeinsam mit einem Geschäftsführer oder einem anderen Prokuristen:</p> <p>3.) <u>Stefan Götter, geb. 09.12.1949,</u> <u>Berlin</u></p>		<p>a) 13.7.2000</p> <p>b) 13.7.2000</p> <p>c) 13.7.2000</p> <p>d) 13.7.2000</p> <p>e) 13.7.2000</p> <p>f) 13.7.2000</p> <p>g) 13.7.2000</p> <p>h) 13.7.2000</p> <p>i) 13.7.2000</p> <p>j) 13.7.2000</p> <p>k) 13.7.2000</p> <p>l) 13.7.2000</p> <p>m) 13.7.2000</p> <p>n) 13.7.2000</p> <p>o) 13.7.2000</p> <p>p) 13.7.2000</p> <p>q) 13.7.2000</p> <p>r) 13.7.2000</p> <p>s) 13.7.2000</p> <p>t) 13.7.2000</p> <p>u) 13.7.2000</p> <p>v) 13.7.2000</p> <p>w) 13.7.2000</p> <p>x) 13.7.2000</p> <p>y) 13.7.2000</p> <p>z) 13.7.2000</p>

a) Firma b) Sitz c) Gegenstand des Unternehmens	d) Grund- oder Stammkapital	e) Vorstand Präsident Geschäftsführer Aufsichtsrat	f) Prokurat	g) Rechtsverhältnisse	h) Tag der Eintragung und Umschreibung b) Bemerkungen
1	2	3	4	5	6
		Dr. Volker Stet geb. 18.07.1949, Berlin		Dr. Volker Stet ist zum Geschäftsführer bestellt. Er vertritt gemeinsam mit einem anderen Geschäftsführer oder gemeinsam mit einem Prokuristen die oder alleinigen Geschäftsführer, vertritt er alleine. Peter Buebel ist nicht mehr Geschäftsführer.	9.11.7.2001 (Mainz)
		Verwaltungsratspräsident Herrn Dr. Volker Stet geb. 18.07.1949, Berlin; Dr. Volker Stet geb. 18.07.1949, Berlin			19.8.2001 (Mainz) b) Von Amts wegen berichtigt
			Die Prokuristen Dr. Volker Stet und Dr. Peter Buebel sind abberufen.		15.2.2002 (Mainz)
	255.651.000 DM			Durch Beschluss der Gesellschafterversammlung vom 19. Oktober 2001 ist das Stammkapital auf 255.651.053,32 EUR erhöht, sodass durch Aufstockung des Gesellschaftanteils um 65,48 EUR auf 255.651.100 EUR erhöht und der Gesellschaftsvertrag in § 3 (Stammkapital) geändert.	11.2.2002 (Mainz) b) Bl. 50 ff. Sonderband
a) Beyer CropScience GmbH				Durch Beschluss der Gesellschafterversammlung vom 05. Juni 2002 ist der Gesellschaftsvertrag in § 3 (Firma) geändert.	11.4.2002 (Mainz) b) Bl. 71 ff. Sonderband
Die Überbestimmung mit den Eintragungen im Handelsregister wird bekräftigt. 2. Juli 2002 Frankfurt/Main					



als Urkundenbesitzer der Geschäftsstelle

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